

REMARKS

The Office Action mailed October 24, 2008, has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

Interview Record

Applicants gratefully acknowledge the courtesy and consideration extended to Applicants' undersigned representative during the telephone interview with Examiner Gregory Sefcheck on February 9, 2009.

During the interview, Applicant's representative explained that Robins et al. ("Robins") does not show, from claim 1 for example, "receiving a request from the message composition module to the packetizing modules when the message composition module needs a data packet." (Emphasis added.) While the Office Action mailed March 11, 2008 addressed the issue of the RE 40 initiating the cut-through mode, stating that even though this was not disclosed in Robins, it would have been obvious, Applicant's representative pointed out that the Office Action nevertheless did not take into account the emphasized feature above—that the request from the message composition module is received when the message composition module needs a data packet. Specifically, this need component of the claims 1 and 2 language is not disclosed in Robins, and would not have been obvious because it implies application-specific details to which Robins, whose field is in general networking rather than data acquisition and telemetry of flight testing installations, is not directed.

To underscore this distinction, independent claims 1 and 2 have now been amended to state that the numerical or digital data stored is telemetry data of flight testing installations. Robins, it will be appreciated, relates to networking in general, but does not teach or enable data acquisition and telemetry of flight testing installations applications. For this reason at least, one of ordinary skill in the art would not look to Robins for improvements in this field and the presently claimed features would not be obvious in view of Robins.

Rejection(s) Under 35 U.S.C. §103(a)

Claims 1 and 2 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Robins et al. (U.S. pat. no. 6,430,184). Applicants respectfully traverse.

As explained above, independent claims 1 and 2 have now been amended to state that the numerical or digital data stored is telemetry data of flight testing installations. Robins relates to networking in general and does not teach or enable data acquisition and telemetry of flight testing installations applications. For this reason at least, one of ordinary skill in the art would not look to Robins for improvements in this field and the presently claimed features would not be obvious in view of Robins. Accordingly, the rejection under 35 U.S.C. §103(a) based on Robins is improper and its withdrawal is respectfully requested.

Claim 3 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Robins in view of Leslie et al. (U.S. pat. no. 5,077,671; "Leslie"). Applicants respectfully traverse.

Claim 3 depends from claim 1 addressed above. Leslie fails to remedy the above-mentioned shortcomings of Robins with respect to claim 1. Accordingly, claim 3, which by definition includes the limitations of claim 1, is patentable over the combination of Robins and Leslie.

Conclusion

In view of the preceding discussion, Applicants respectfully urge that the claims of the present application define patentable subject matter and should be passed to allowance.

If the Examiner believes that a telephone call would help advance prosecution of the present invention, the Examiner is kindly invited to call the undersigned attorney at the number below.

Please charge any additional required fees, including those necessary to obtain extensions of time to render timely the filing of the instant Amendment and/or Reply to Office Action, or credit any overpayment not otherwise credited, to our deposit account no. 50-3557.

Respectfully submitted,
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Dated: February 23, 2009

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